

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Z-TEL COMMUNICATIONS, INC.	}	
	}	
Complainant	}	
	}	
vs.	}	Docket No. 02-0160
	}	
ILLINOIS BELL TELEPHONE COMPANY, d/b/a AMERITECH ILLINOIS	}	
	}	
Respondent	}	

AMERITECH ILLINOIS' REPLY  
TO THE RESPONSES OF STAFF AND Z-TEL  
COMMUNICATIONS, INC. TO AMERITECH ILLINOIS'  
MOTION FOR CONFIRMATION FILED AUGUST 12, 2002

Illinois Bell Telephone Company, d/b/a Ameritech Illinois ("Ameritech Illinois") by its attorneys, files this Reply to the Responses of the Commission Staff and Z-Tel Communications, Inc. ("Z-Tel") to Ameritech Illinois' Motion to Confirm that Emergency Relief expired on August 3, 2002 pursuant to the Commission's May 8<sup>th</sup> Final Order.

**I. INTRODUCTION**

By its Motion, Ameritech Illinois seeks confirmation that the emergency relief, delaying Ameritech Illinois' Winback marketing efforts until 17 days after customer loss, has ended pursuant to the requirements of the Commission's May 8, 2002 Final Order.

At the time emergency relief was entered, Z-Tel was experiencing delays and inaccuracies in the receipt of LLNs. Until it received a LLN or otherwise learned that the customer had switched to another carrier, Z-Tel could not initiate marketing efforts to win back the customer. Ameritech retail was not subject to these delays, however, because it was receiving its line loss notifications through a different process.

The Commission imposed a 17 day marketing delay on Ameritech Illinois' Winback marketing solicitations in order to achieve rough parity between Z-Tel and Ameritech Illinois in their marketing efforts: "We believe that this interim relief will help to level the competitive use of Line Loss Notifications for marketing purposes." Order, February 27, 2002, p. 7. The Commission was particularly upset with what it perceived as Ameritech Illinois' use of more favorable line loss information:

We find that granting emergency relief and delaying Ameritech's solicitation of Z-Tel's customers for 15 days, will enhance local competition and provide a benefit to the public. This is the overriding goal articulated by the General Assembly, and we will not prevent that goal from implementation by allowing Ameritech to provide faulty Line Loss Notice to Z-Tel, while at the same time using more favorable Line Loss Information to market to Z-Tel's customers. *Id.*, p. 6.

The Commission recognized that Ameritech Illinois' Winback marketing solicitations represented protected commercial speech under the First Amendment and any restriction on that protected speech must directly and materially advance an identified government interest and be narrowly drawn to be no more extensive than necessary to serve the identified governmental

interest.<sup>1</sup> Therefore, the Commission limited the marketing delay to 17 days rather than prohibiting Winback marketing altogether as requested by Z-Tel. Order, February 27, 2002, p. 7.

In its Final Order, the Commission set two requirements for elimination of the 17-day marketing delay: (1) Ameritech Illinois' Winback marketing department must rely exclusively upon the 836 LLN and (2) the defects in the 836 LLN system have to be cured. Ameritech Illinois complied with the first requirement by switching Ameritech retail to the exclusive use of the 836 LLN process on May 15, 2002. Staff acknowledged that Ameritech Illinois had complied with this requirement in its Report to the Commission. Staff Report, August 2, 2002, p. 2.

Because Ameritech retail now relies upon the same 836 LLN process as Z-Tel and other CLECs, the Commission's justification for restricting Ameritech Illinois' constitutionally protected commercial speech no longer applies.

Ameritech retail no longer has any marketing advantage because it is subject to the same delays and inaccuracies, if any, in the 836 LLN process as any CLEC. For example, three-fourths of the LLN errors that resulted from the May 3, 2002 system change affected Ameritech retail and only one-fourth affected CLECs. Verified Report to Staff, p. 2. For this reason alone, the emergency relief can no longer be justified consistent with the First Amendment.

Continuing the unilateral marketing delay on Ameritech Illinois also would run counter to the public interest goal stated in the Commission's Order imposing

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<sup>1</sup> See *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n. of N.Y.*, 447 U.S. 557, 564-565 (1980),

emergency relief. Ameritech Illinois and Z-Tel are now at parity in their ability to market to lost customers. Continuing the emergency relief places Ameritech Illinois at a competitive disadvantage and deprives consumers of information regarding competitive alternatives that may offer better features or a better price at a time when they are making a purchase decision.

Ameritech Illinois also has complied with the second requirement of the Commission's Order; it has cured the defects in the 836 LLN process. In its Verified Report to Staff and in its Verified Motion to Confirm, Ameritech Illinois submitted factual information, including the results of a special study, verifying that the 836 LLN issues have been resolved. Neither Staff nor Z-Tel has contradicted a single fact in Ameritech Illinois' Report to Staff and Motion to Confirm.<sup>2</sup> Thus, any conceivable justification for continuation of the marketing delay no longer exists, and any attempt to perpetuate this restriction would be unfair, unconstitutional and contrary to the public interest. Ameritech Illinois urgently requests the Commission to expeditiously act to confirm that emergency relief has ended.

## **II. STAFF AND Z-TEL HAVE PRESENTED NO EVIDENCE THAT LLN ISSUES PERSIST IN ILLINOIS.**

In its July 3<sup>rd</sup> Report to Staff, Ameritech Illinois stated factually that "All identified issues with the 836 LLN process have been resolved or controlled as of June 3, 2002." Report to Staff, p. 1. Ameritech Illinois supported this statement

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<sup>2</sup> Z-Tel's response to the Verified Motion is not verified (but contains no facts anyway). While Staff verified its Response, the only "facts" it presented were in the discussion of KPMG's Exception Report 74v2 and SBC Ameritech's response.

with the results of a special disconnect analysis study for the period from June 3-14 for three CLECs: Z-Tel, WorldCom and Talk.com. The study analyzed every disconnect order processed for the three CLECS and determined whether an LLN should be sent, and if so, whether it was sent. The study showed that over 97% of the LLNs were correctly processed and sent. For the less than 3% of LLNs that were not sent initially, 87% of those errors were detected in Ameritech's established review process and a LLN was sent to the CLEC, albeit a few days late. Thus, overall, Ameritech's existing processes resulted in LLNs being sent in 99.8% of the instances where they should have been sent. Ameritech Illinois also presented information for the period from June 6-21 showing that all CLECs (not just the three in the special study) received 99.3% of their LLNs within 24 hours of order completion.

Ameritech continued its special disconnect analysis study for the rest of June, and in its verified Motion to Confirm, Ameritech Illinois provided the results of the study for the whole month. These results show that for June as a whole, LLNs were correctly processed and sent in 97.91% of the instances where they should have been sent. For the 2.09% of LLNs that were not sent initially, 85% of those errors were detected in Ameritech's established review process, and a LLN was sent to the CLEC. Therefore, Ameritech sent LLNs in 99.8% of all instances where they should have been sent.

Staff in its Report to the Commission and in its Response to Ameritech Illinois' motion does not contest the truth or accuracy of the data submitted by Ameritech Illinois in any way.

Rather than acknowledge the actual evidence that Z-Tel and other CLECs are receiving timely and accurate LLNs, Staff ignores this evidence and refers the Commission instead to KPMG's Exception Report 74, Version 2 for Michigan issued August 12, 2002. KPMG reported that in its retest of the LLN process in Michigan, it found "discrepancies" in 33 out of 169 orders submitted to a test CLEC (a fictitious CLEC set up for the purpose of the test). This represented a failure rate of 19.5%. KPMG reported that 6 out of 99 Winback orders and 27 out of 70 CLEC to CLEC migrations did not result in a LLN within one hour.

In its August 20<sup>th</sup> Response to KPMG, SBC Ameritech stated that only one of the six Winback orders was not sent within one hour. For two of the orders, the order completion date was incorrectly reported to KPMG due to a transcription error. KPMG responded on August 22<sup>nd</sup> that it required substantiation that the completion date was misreported in order to accept SBC Ameritech's statement. SBC Ameritech provided this substantiation on August 23. As to the other three orders, SBC Ameritech and KPMG disagree whether they were sent within one hour. KPMG reports that they were not received until one hour and fourteen minutes after order completion.<sup>3</sup>

With respect to the 27 CLEC to CLEC migration orders, SBC Ameritech reported that 13 of these errors related to an unusual ordering scenario that rarely occurs in real world transactions (migration from a CLEC using resale to another CLEC using an unbundled loop without porting the existing number).

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<sup>3</sup> KPMG's Exception Report 74v2 and SBC Ameritech's August 20<sup>th</sup> Response (misdated August 16) are attached as Exhibits to Staff's Response to the Motion. For completeness, Ameritech Illinois attaches KPMG's August 22<sup>nd</sup> Reply and SBC Ameritech's August 23<sup>rd</sup> Response to that Reply as Exhibit A hereto.

These orders were improperly processed as orders for new service rather than migrations, and, consequently, no LLN was generated. A system fix for this error on this rare order type was implemented on August 16, 2002. These 13 errors were not errors in the LLN process. Staff and KPMG reject this response contending that why the LLN was not sent is irrelevant. Be that as it may, the order processing errors do not suggest a continuing problem with the LLN process, which is the issue before this Commission.

With respect to 12 of the 14 remaining CLEC to CLEC migration orders, SBC Ameritech sent the LLN within one hour; however, KPMG's vendor, Hewlett-Packard, rejected the LLNs because the data files in which they were sent were not in the proper EDI standard format. The EDI format was corrected on August 8, 2002.

Finally, with respect to the last 2 CLEC to CLEC migration orders, SBC Ameritech admitted that one LLN was late, and SBC Ameritech and KPMG disagree as to whether the other was late.

Staff vastly overstates its case when it suggests that KPMG's Exception Report 74v2 for Michigan evidences a continuing problem with the LLN process in Illinois. KPMG's test was not a test with live customers, and in most instances, an LLN was actually sent; however, the LLN was either received more than an hour after order completion or was rejected because of an EDI formatting error that has already been corrected. Where LLNs were not sent, it was due to an error in the service ordering process on a rare type of service order and was not an LLN error. Ameritech has already acted to resolve the issues identified in

Michigan report and has requested a retest by KPMG. Most importantly, KPMG's Michigan test results for its fictitious CLEC do not in any way impeach the validity or accuracy of the data submitted by Ameritech Illinois in its Report to Staff and Motion to Confirm.

If Staff wished to rely upon KPMG's Exception Reports, it would have been more appropriate to mention KPMG's August 20, 2002 closure of Exception Report 94.<sup>4</sup> Exception Report 94 related to KPMG's examination in Michigan of real service orders for real CLECs to determine if LLNs were being accurately generated when they should be in real world transactions. On May 6, 2002, KPMG reported a 40% error rate for these transactions. In its retest, KPMG found that SBC Ameritech's accuracy rate had increased to 95.6%. Although KPMG's retest related only to Michigan (as does Exception Report 74v2) and to a somewhat different reporting period, it nevertheless provides strong corroboration for Ameritech Illinois' study results in Illinois and for the fact that all LLN defects have been fixed.

Staff might also have mentioned KPMG's recent test results in Indiana and Wisconsin. On July 15, KPMG reported on its retest of Exception Report 138 in Indiana.<sup>5</sup> KPMG reported that 1 out of 24 LLNs were reported incorrectly. However, KPMG subsequently acknowledged that the reported error was caused by the incorrect transcription of the order completion date on the spreadsheet transmitted to KPMG and was not really an error. Therefore, SBC Ameritech's

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<sup>4</sup> KPMG's August 20<sup>th</sup> closure of Exception Report 94 is attached as Exhibit B. KPMG released this report shortly before Staff filed its Response to the Motion, and Staff may not have been aware of it when it filed.

<sup>5</sup> See Exhibit C attached.



LLN performance level on the retest in Indiana was 100%. The same result was achieved in Wisconsin on Exception Report 84v2. KPMG initially reported one error out of 36 transactions but later acknowledged that the discrepancy was due to a transcription error and was not a LLN error. Thus, SBC Ameritech's LLN performance level on the retest in Wisconsin was 100%.<sup>6</sup>

If the Commission determines it is appropriate to consider recent KPMG test results in addition to the results of Ameritech Illinois' special disconnect analysis study, the totality of those results strongly corroborates Ameritech Illinois' factual statement and supporting data, which show that LLNs are being sent on a timely and accurate basis in Illinois.

Z-Tel also does not dispute Ameritech Illinois' documentary evidence.

Instead, it argues:

Ameritech claims that this 2.6% error rate was due exclusively to service representative error. *Id.* What Ameritech does not tell the Commission is that this 2.6% error rate does not include any LLNs that contain inaccurate information, and does not include LLN's which were required to be delivered, but were not. Ameritech's measurement includes only those 836 LLN's that were set [sic], and measures only the timeliness, not the accuracy, of the 836 LLNs.

Z-Tel Response, pp. 8-9.

Z-Tel's assertions are incorrect. In its Verified Report to Staff, Ameritech Illinois explained:

To make certain that the daily reports monitored by the cross-functional team were picking up all situations where 836 LLNs should be sent (**and not just monitoring LLNs that were sent**), and to provide additional verification for the purpose of this Report that 836 LLNs were flowing properly, Ameritech commissioned a special disconnect analysis study. . .[that] evaluated **every** disconnect order processed with respect to three CLECs. . . .

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<sup>6</sup> See Exhibit D.

Verified Report to Staff, p. 2 (emphasis supplied).

In other words, Ameritech looked at **every** disconnect order for Z-Tel, WorldCom and Talk.com, not just orders where LLNs were sent, to make sure that the study would not be subject to the exact criticism that Z-Tel now makes. Furthermore, to insure there were no inaccuracies in the LLNs sent, Ameritech shared the results of its June 3-14 study with Z-Tel, WorldCom and Talk.com and invited their review. Verified Report to Staff, p. 2. Ameritech provided detailed backup documentation for the study to Z-Tel at its request. These carriers did not identify a single LLN that contained inaccurate information.

This is not the first time that Z-Tel has made these incorrect assertions. Z-Tel made the same claims in a letter to Ameritech Illinois' counsel on July 23, 2002. In Ameritech Illinois' reply letter sent July 31, 2002, Ameritech Illinois clearly informed Z-Tel:

As of June 3, 2002, all known issues with the 836 LLN process have been resolved or controlled. You note that the data provided to Staff indicates that Ameritech experienced a 2.6% error rate in LLNs delivered in the study period, but you fail to acknowledge that most of these errors were corrected by Ameritech, as indicated on the study sheet, so that the realized error rate was much smaller. You state that this percentage does not count the LLNs that contained inaccurate information. Ameritech Illinois is not aware that any of the LLNs contained inaccurate information. If you have information that inaccurate information was provided, please forward it to me immediately so that Ameritech can investigate. You also state that the percentage error rate does not count LLNs that were not sent. To the contrary, Ameritech reviewed all Z-Tel, WorldCom and Talk.com orders during the study period to ensure that LLNs were sent in every instance where they should have been sent. Those errors are identified and included in the error total.

July 31, 2002 Letter to Hank Kelly, pp. 2-3.<sup>7</sup> Z-Tel did not respond to Ameritech Illinois' letter. Z-Tel's criticisms of Ameritech's study are without merit, and Z-Tel knows it.

In summary, the evidence submitted by Ameritech Illinois, along with KPMG's recent test results, overwhelmingly demonstrates that the LLN issues have been resolved and CLECs are receiving LLNs in an accurate and timely manner. Staff and Z-Tel offer no facts to refute any of this evidence.

### **III. REPLY TO STAFF ARGUMENTS**

#### **A. Staff does not dispute Ameritech Illinois' evidence.**

The Commission's Final Order says that the emergency relief terminates unless Staff "disputes" Ameritech's Report to Staff within 30 days. Order, May 8, 2002, p. 25. Staff says it did dispute Ameritech's Report:

Staff's position is (1) that Ameritech's representation that it has cured the 836 LLN problems cannot be accepted because of prior and current evidence that 836 LLN problems exist notwithstanding alleged cures. . . .

Staff Response to Motion, p. 4.

Staff's reference to "prior" evidence is tantamount to a confession of error. Everyone knows there were prior problems. However, evidence of "prior" problems is not evidence of "current" problems and is not a reason for continuing emergency relief after those problems have been corrected.

Staff's reference to "current" evidence is a mystery since Staff utterly refuses to acknowledge the "current" evidence submitted by Ameritech Illinois

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<sup>7</sup> A copy of this letter is attached as Exhibit E.

demonstrating that the LLN issues have been resolved. Staff's Report and its Response to Ameritech Illinois' Motion to Confirm do not "dispute" that evidence in any way. To the extent that Staff's reference to "current" evidence is a tunnel-vision reference to KPMG's Exception Report 74v2 for the state of Michigan, Staff grudgingly admits that Michigan is not Illinois. KPMG's Exception Report 74v2 in no way "disputes" the evidence Ameritech Illinois submitted in Illinois. Furthermore, Staff overstates the significance of that Report and totally ignores three other KPMG Reports in Michigan, Indiana and Wisconsin that strongly corroborate Ameritech Illinois' evidence. See Section II, *supra*.

When the Commission delegated responsibility to Staff to review Ameritech Illinois' Report, it clearly contemplated that Staff would make a good faith determination based upon the factual information submitted whether the LLN issues had been resolved. The Commission surely did not intend that the Staff would totally ignore the facts submitted and decide, based upon its own whim, whether and when the LLN issues would be considered cured. Yet, that is the arbitrary power that Staff seeks to wield.

B. Staff is attempting to modify the Commission's Order.

Staff protests that it is not attempting to unilaterally modify the Commission's Final Order:

Staff's recommendation that Ameritech demonstrate a sustained period of six months with no line loss notifications problems to establish that the Company's LLN problems are in fact cured is fully consistent with the Final Order.

Staff Response to Motion, p. 4.<sup>8</sup>

It is a wonder that Staff would even make such a statement. The Commission's Order stated:

Given that Ameritech has stated that the 836 LLN problems that are the subject of this Complaint will be resolved by May 3<sup>rd</sup>, the Commission requires that Ameritech file a report verifying that in fact the 836 LLNs are being provided in a timely and accurate manner. This report will be submitted to Staff for its review. If there is no filing by Staff that disputes Ameritech's report, within 30 days from Ameritech's filing, then the 17 day restriction, pursuant to the Commission's Amendatory Order granting emergency relief, will be ended.

Order, May 8, 2002, pp. 24-25.

The Commission's Order does not direct Ameritech Illinois to wait until six months after the last LLN issue is resolved before filing its report with Staff. Rather, the Order clearly contemplates and implicitly directs Ameritech Illinois to file its report as soon as the last LLN issue was resolved, which the Commission contemplated could have been as early as May 3, 2002. The Order also clearly directed that the emergency relief would end 30 days after the report was filed (not six months later) unless Staff disputed the information submitted in the report. Staff's "recommendation" that Ameritech Illinois "demonstrate a sustained period of six months with no line loss notifications problems" cannot be reconciled with the Commission's Order.

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<sup>8</sup> Neither Staff nor Z-Tel disputes that if Staff's recommendation were found to be an attempt to modify the Order, it would be illegal and beyond the Commission's jurisdiction to enter. See Ameritech Illinois' Motion to Confirm, pp. 8-11.

- C. Continuing the 17-day marketing delay for six months after all LLN issues were resolved would violate Ameritech Illinois' constitutional rights to free speech.

Staff responds to Ameritech Illinois' First Amendment argument (Motion to Confirm, pp. 11-13) with the statement:

The Commission has already determined that continuation of emergency relief until certain conditions are met is proper and necessary to address Ameritech's actions that constituted impediments to competition.

Staff Response to Motion, p. 7

Staff's statement begs the question. Ameritech Illinois has met the conditions set forth in the Commission's Order for ending emergency relief. Ameritech retail exclusively relies upon the same 836 LLNs that Z-Tel receives, and Ameritech retail and Z-Tel are at parity in their ability to market to lost customers. Furthermore, CLECs in Illinois now receive their LLNs in a timely and accurate manner. Whether or not the emergency relief was consistent with the First Amendment when it was initially imposed, continuation of that relief after the LLN problems have been resolved would violate the First Amendment and provide Z-Tel with an unfair competitive advantage in marketing to customers it has lost 17 days sooner than Ameritech Illinois could market to customers it has lost.

#### **IV. REPLY TO Z-TEL ARGUMENTS**

Z-Tel's Response is long on rhetoric but short on fact. Z-Tel provides no facts to dispute any of the facts submitted by Ameritech Illinois showing that the LLN issues have been resolved. Z-Tel does not dispute that an attempt to

modify the Commission's Final Order under these circumstances would be illegal and beyond the Commission's authority. Z-Tel makes no response to Ameritech Illinois' First Amendment argument. Rather, Z-Tel goes off on a frolic of its own.

Z-Tel argues that granting Ameritech Illinois' motion would "prejudge issues that are pending in the ongoing rehearing phase of this proceeding." Z-Tel Response to Motion, p. 1. Z-Tel did not request rehearing of any portion of the Commission's Order. The Commission granted Ameritech Illinois' Application for Rehearing on two limited issues: (1) whether penalties may be assessed under Section 13-305 of the Act for the violations of Section 13-514 found in the Commission's Order, and (2) whether Ameritech Illinois should be required to continue to provide to Z-Tel the Local Loss Report that it formerly provided to Ameritech retail now that Ameritech retail exclusively relies upon the 836 LLN. While the Administrative Law Judge ("ALJ") has ruled with respect to the latter issue that it is relevant to consider whether there is other information on disconnected customers that is provided to Ameritech retail that is not similarly provided to Z-Tel, the ALJ also has ruled that whether Ameritech Illinois has cured the LLN defects (which is the requirement for eliminating emergency relief) is not an issue in the rehearing proceeding.

Ignoring the fact that whether Ameritech Illinois has cured the LLN defects is not at issue in the rehearing proceeding, Z-Tel asserts:

the evidence on rehearing will show that Ameritech is not in compliance with the requirements of the *Final Order* and its Emergency Order and that Ameritech is still providing OSS information to Z-Tel that is not in parity with the OSS information Ameritech provides to its own retail operations.

Z-Tel Response to Motion, p. 6.

Nowhere in its 13 page Response does Z-Tel provide the Commission with even a hint of what this evidence is that will show that Ameritech Illinois is not in compliance with the Commission's Order. If Z-Tel has evidence that Ameritech Illinois is not providing Z-Tel with timely and accurate LLNs, it should have provided that information to Staff during its review of Ameritech Illinois' Verified Report or at least provided that evidence in its Response to Ameritech Illinois' motion. If Z-Tel has evidence that Ameritech Illinois is violating Section 13-514 or any other provision of the Act by providing OSS information to Z-Tel that is not in parity with the OSS information Ameritech provides to its own retail operations, then Z-Tel should file a complaint with this Commission and seek appropriate relief. At the very least, Z-Tel should tell the Commission what its evidence is so that the Commission can determine whether it is relevant to the termination of emergency relief. If Z-Tel presented facts, then Ameritech Illinois could respond to them. However, Ameritech Illinois cannot respond to unsupported accusation and innuendo, and the Commission should not consider it.

Z-Tel argues that even if Ameritech retail now exclusively relies upon 836 LLNs, there is no "proof, that Ameritech's delivery of the 836 LLN to Z-Tel is in parity with the 836 LLN that Ameritech delivers to its Winback Group." Z-Tel Response to Motion, p. 8. Z-Tel implies, again without factual support, that there may be two 836 LLN processes, one used for Z-Tel and another better process used for Ameritech retail. All the record evidence in this proceeding supports the



fact that there is only one 836 LLN process.<sup>9</sup> LLNs are generated for Ameritech retail in the same manner as they are generated for Z-Tel and other CLECs. Once again, the Commission should disregard Z-Tel's totally unsubstantiated innuendo.<sup>10</sup>

Z-Tel asserts that Ameritech's proposed revisions to the MI 13 Performance Measure do not adequately address the problems raised by Staff in the underlying proceeding. Z-Tel Response to Motion, p. 11. This issue has nothing to do with whether Ameritech Illinois has met the requirements of the Commission's Order for ending emergency relief. Ending emergency relief was not made contingent upon adopting a new MI 13 performance measure nor tied to that issue in any way. Furthermore, the revisions to the five-state MI 13 performance measure are being made in the six-month review collaborative process, not in this proceeding. Ultimately, if consensus cannot be reached, this Commission may examine the performance measure as an outgrowth of the six-month review process. However, it has nothing to do with the current motion.

Finally, Z-Tel argues that by granting Ameritech Illinois' motion, the Commission would be prejudging other issues currently pending in the rehearing proceeding, such as reconciliation of UNE charges and the customer notice that

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<sup>9</sup> The Commission's Order required Ameritech Illinois to demonstrate that "Ameritech's Winback marketing department relies solely on the 836 LLN and the defects in the 836 LLN system have been cured" in order to end emergency relief. Order, May 8, 2002, p. 24. The Order did not require Ameritech to also demonstrate that Ameritech retail used the same 836 LLN process as Z-Tel because the Commission was well aware from the record evidence that there was only one 836 LLN process that applied to everyone, including Ameritech retail.

<sup>10</sup> Z-Tel has attempted to use this same baseless accusation in the rehearing process. In order to put an end to this claim, Ameritech Illinois provided Z-Tel with a detailed 836 LLN Flow Description showing how Z-Tel and Ameritech retail receive their LLNs from the same and only LLN process. A copy of that Flow Description is attached as Exhibit F and incorporated by reference.

should be sent to former Z-Tel customers who were double-billed by Z-Tel. Z-Tel's assertion is spurious on three grounds. First, these issues have nothing to do with the Order's requirements for ending emergency relief or this motion. Second, these issues are not under consideration in the rehearing process. Third, Z-Tel has misstated the status of these issues. Ameritech Illinois has taken steps to attempt to resolve the UNE billing issue. Staff has approved the form of notice that should be sent to Z-Tel's former customers who were won back by Ameritech Illinois. Staff Report, p. 3. The only reason that the notice has not been sent to Z-Tel's former customers is that Z-Tel has not provided mailing information as required by the Order. See, e.g., Exhibit E.

## **V. CONCLUSION**

Ameritech Illinois has taken extraordinary measures to fix the 836 LLN defects and to ensure that they do not recur. Ameritech Illinois also has paid a heavy price for its past shortcomings. It has been found in violation of Section 13-514; it has paid damages and attorneys fees to Z-Tel; and its First Amendment right to market to its customers has been restricted while the LLN defects were being corrected.

The 836 LLN defects have now been fixed. Ameritech retail now exclusively relies upon the same 836 LLN process as applies to Z-Tel and other CLECs and is subject to the same shortcomings in that system when and if they occur. The justification for the restriction on Ameritech Illinois' First Amendment rights to commercial free speech no longer exist. Z-Tel now has the same notice

of customer losses and the same opportunity to attempt to win back its lost customers as Ameritech retail has to win back its customers. Z-Tel also no longer has any reason for continuing to bill its customers after they disconnect Z-Tel's service. Just as the Commission acted promptly and decisively to grant emergency relief when the 836 LLN issues were brought to its attention, so should the Commission act promptly and decisively to end that emergency relief now that the LLN issues have been successfully resolved.

Neither Staff nor Z-Tel seriously contends that LLN problems persist. Certainly, they provide no facts to show any continuing problem, and they do not refute a single fact submitted by Ameritech Illinois. Z-Tel seeks to perpetuate the marketing restriction for selfish, but understandable reasons; the marketing restriction competitively disadvantages its largest competitor. Staff's motive appears to be an attempt to maintain a consistent position with the equally untenable position it has taken in the 271 proceeding.

The fact is, however, that the Commission is concerned with the public interest and fairness among competitors. Continuation of the marketing restriction after the LLN issues have been resolved is unfair and harms the public by depriving them of information regarding competitive alternatives and the chance to get better service at a better price.

WHEREFORE, for all the reasons stated in its Motion to Confirm and this Reply Memorandum, Ameritech Illinois respectfully and urgently requests the Commission to confirm that Ameritech Illinois has satisfied the conditions set

forth in the Commission's May 8 Final Order for ending emergency relief and that emergency relief has in fact ended.

Respectfully submitted,

Ameritech Illinois

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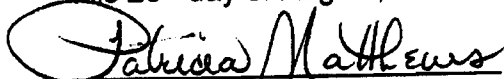
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## VERIFICATION

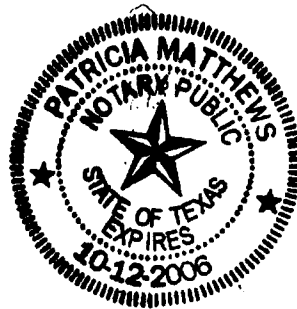
I, Glen Sirles, on oath state that I am the Vice President – Operations Support Systems for SBC Management Services, Inc., that my organization has the responsibility for the provision of 836 LLNs and other reports to the CLECs, that I have read the foregoing Reply to the Responses to Staff and Z-Tel Communications, Inc., and that the facts set forth therein by Ameritech are true and correct to the best of my knowledge, information and belief.



Subscribed and sworn to before me  
this 25<sup>th</sup> day of August, 2002.



My commission expires:



Notice of Filing and Certificate of Service

The undersigned, an attorney, certifies that this Reply to the Responses of Staff and Z-Tel Communications, Inc. was filed with Donna Caton, Chief Clerk of the Illinois Commerce Commission, by e-docket, and copies were served on each person on the attached Service List by electronic mail on August 26, 2002.

  
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Service List Docket 02-0160

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STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Z-TEL COMMUNICATIONS, INC.	}	
	}	
Complainant	}	
	}	
vs.	}	Docket No. 02-0160
	}	
ILLINOIS BELL TELEPHONE COMPANY,	}	
d/b/a AMERITECH ILLINOIS	}	
	}	
Respondent	}	

AMERITECH ILLINOIS' REPLY  
TO THE RESPONSES OF STAFF AND Z-TEL  
COMMUNICATIONS, INC. TO AMERITECH ILLINOIS'  
MOTION FOR CONFIRMATION FILED AUGUST 12, 2002

EXHIBIT A  
KPMG EXCEPTION REPORT 74V2



***Ameritech OSS Test Exception Process  
Additional Information Document***

<b>Exception Report:</b> 74v2	<b>State Applicability:</b> Michigan
<b>Author:</b> KPMG Consulting	<b>Role:</b> Test Manager
<b>Release Date:</b> August 12, 2002	<b>Additional Information:</b> August 22, 2002

**Additional Information:**

KPMG Consulting has reviewed SBC Ameritech's response for the 33 Line Loss Notification failures that were detailed in Exception Report 74 version 2.

Below is KPMG Consulting's response:

**Win-back telephone numbers:**

Item 1: KPMG Consulting agrees with SBC Ameritech that this item is an error.

Items 2 – 3: KPMG Consulting considers both items as errors unless SBC Ameritech can provide KPMG Consulting evidence that the orders completed on July 22, 2002 as opposed to the July 18, 2002 date originally provided.

Items 4 – 6: Hewlett-Packard has informed KPMG Consulting that it received the notifications on July 9, 2002 at 9:09:57 PM Eastern Time. The order completion date and time was July 9, 2002 at 6:56 PM Central Time, which constitutes a 1 hour 14 min time difference. Since the Line Loss Notifications were not received within an hour, KPMG Consulting considers these 3 items as errors.

**CLEC to CLEC migration telephone numbers:**

Item 1 – 12: Hewlett-Packard informed KPMG Consulting that all 12 Line Loss Notifications were rejected because the 836 messages were sent in data files that weren't within the proper EDI standard format. The test CLEC did not receive the Line Loss Notifications for these telephone numbers. Since the EDI files were non-compliant and line loss notifications were not received, KPMG Consulting still considers these 12 items as errors.

Item 13: Hewlett-Packard informed KPMG Consulting that the line loss notification was received on July 28, 2002 at 9:04 PM Eastern Time. This notification was not received within one hour after the Service Order Completion (SOC). KPMG Consulting considers this item an error.

Item 14: KPMG Consulting agrees with SBC Ameritech that this item is an error.

Item 15 – 27: The Test CLEC wrote and issued these orders as CLEC to CLEC migrations. As a CLEC to CLEC migration, the Test CLEC expected a Line Loss notice once the orders had received a SOC. Since these orders did not generate a Line Loss Notification as expected, KPMG Consulting considers these to be errors.

In summary, KPMG Consulting considers the 33 items to be in error out of the sample of 169. SBC Ameritech's performed at a success rate of 81.5 percent, and this performance failed to meet the applied accuracy benchmark of 95 percent.



**Date:** August 23, 2002

**To:** KPMG Consulting

**From:** OSS Test Project Management Team

**Subject:** Ameritech Response to Additional Information for Exception #74 version 2

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**Additional Information:**

KPMG Consulting has reviewed SBC Ameritech's response for the 33 Line Loss Notification failures that were detailed in Exception Report 74 version 2.

Below is KPMG Consulting's response:

**Win-back telephone numbers:**

Item 1: KPMG Consulting agrees with SBC Ameritech that this item is an error.

Items 2 – 3: KPMG Consulting considers both items as errors unless SBC Ameritech can provide KPMG Consulting evidence that the orders completed on July 22, 2002 as opposed to the July 18, 2002 date originally provided.

Items 4 – 6: Hewlett-Packard has informed KPMG Consulting that it received the notifications on July 9, 2002 at 9:09:57 PM Eastern Time. The order completion date and time was July 9, 2002 at 6:56 PM Central Time, which constitutes a 1 hour 14 min time difference. Since the Line Loss Notifications were not received within an hour, KPMG Consulting considers these 3 items as errors.

**CLEC to CLEC migration telephone numbers:**

Item 1 – 12: Hewlett-Packard informed KPMG Consulting that all 12 Line Loss Notifications were rejected because the 836 messages were sent in data files that weren't within the proper EDI standard format. The test CLEC did not receive the Line Loss Notifications for these telephone numbers. Since the EDI files were non-compliant and line loss notifications were not received, KPMG Consulting still considers these 12 items as errors.

Item 13: Hewlett-Packard informed KPMG Consulting that the line loss notification was received on July 28, 2002 at 9:04 PM Eastern Time. This notification was not received within one hour after the Service Order Completion (SOC). KPMG Consulting considers this item an error.

Item 14: KPMG Consulting agrees with SBC Ameritech that this item is an error.

## **Ameritech Response to KPMG Exceptions (*continued*)**

Item 15 – 27: The Test CLEC wrote and issued these orders as CLEC to CLEC migrations. As a CLEC to CLEC migration, the Test CLEC expected a Line Loss notice once the orders had received a SOC. Since these orders did not generate a Line Loss Notification as expected, KPMG Consulting considers these to be errors.

In summary, KPMG Consulting considers the 33 items to be in error out of the sample of 169. SBC Ameritech's performed at a success rate of 81.5 percent, and this performance failed to meet the applied accuracy benchmark of 95 percent.

### **Ameritech Response:**

#### **Win-back telephone numbers:**

**Item 1:** As noted in SBC Ameritech's first response, the system problem associated with this item will be corrected on 8/29.

**Items 2 – 3:** Copies of the system screens are provided via proprietary attachment showing the D/T Sent of 7/22/02, which is the date the status of the orders was set to 'complete' which would have triggered the completion and loss notifications.

**Items 4 – 6:** SBC Ameritech has reviewed its transaction logs and confirmed the I/A receipt information included with its first response. SBC Ameritech requests a technical conference with appropriate HPC SMEs to resolve this difference in timings.

#### **CLEC to CLEC migration telephone numbers:**

**Item 1 – 12:** These loss notifications were transmitted within the one-hour benchmark time requirement. SBC Ameritech assumes that the file format problem described by KPMG is the same one already reported in Observation 560 on July 11, 2002, which affected only line loss notification transactions with multiple TNs. An EDI format change was implemented on 8/8/02. These twelve loss notifications were retransmitted on 8/22/02 to permit HPC to verify the format change. SBC Ameritech, both prior to and following this change, received no notification of this problem from any production CLEC.

**Item 13:** SBC Ameritech has reviewed its transaction logs and confirmed the I/A receipt information included with its first response. SBC Ameritech requests a technical conference with appropriate HPC SMEs to resolve this difference in timings.

**Item 14:** As noted in its first response, SBC Ameritech acknowledges that this loss notification was delayed.

**Item 15 – 27:** These thirteen TN are repeated instances of the same ordering scenario, migration of a customer served by one CLEC using resale to another CLEC using an unbundled loop without porting the existing number, which is relatively rare in actual production. Additionally, the manner in which these electronic orders were formatted for this type of activity is unique to the Test CLEC, and has only been used for two orders by a single production CLEC in the last four months. A system

## **Ameritech Response to KPMG Exceptions (*continued*)**

problem, affecting only this type of order and only those sent in this format, caused these orders to be worked as orders for new service without disconnection of the existing service. This problem was fixed on 8/16/02. If these orders had instead included porting the existing number, which is typical, or had been sent in a format used by actual production CLECs, this problem would not have occurred.

Because new service was installed without disconnecting the existing service, no line loss notification was sent. The result of reporting these thirteen TNs as line loss failures misrepresents the effectiveness of SBC Ameritech's line loss process. Just as orders that might be improperly rejected back to the Test CLEC would not have been included in this sample, these orders which were admittedly executed incorrectly, should not be considered as line loss failures. Therefore, and because this scenario is not representative of actual production activity, these TNs should be withdrawn from the test sample.

Version 2 of this Exception 74 presents information on 169 transactions on which line loss notifications were expected. Thirty-three items are presented. If you look at the root cause of why line loss notifications were not generated, only 2 are actually failures related to the line loss process exclusively.

SBC Ameritech requests a timely retest by KPMG to confirm the system changes put into effect resolve any remaining line loss issues associated to the entire provisioning process.

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Z-TEL COMMUNICATIONS, INC.	}	
	}	
Complainant	}	
	}	
vs.	}	Docket No. 02-0160
	}	
ILLINOIS BELL TELEPHONE COMPANY,	}	
d/b/a AMERITECH ILLINOIS	}	
	}	
Respondent	}	

AMERITECH ILLINOIS' REPLY  
TO THE RESPONSES OF STAFF AND Z-TEL  
COMMUNICATIONS, INC. TO AMERITECH ILLINOIS'  
MOTION FOR CONFIRMATION FILED AUGUST 12, 2002

EXHIBIT B

KPMG EXCEPTION REPORT 94V4

<b>Exception Report</b>	<b>94</b>	<b>Version</b>	<b>1</b>	<b>Owner</b>	<b>KPMG Consulting</b>
<b>Issued</b>	<b>May 6, 2002</b>	<b>Test</b>	<b>TVV4</b>	<b>Role</b>	<b>Test Manager</b>
<b>Applicability</b>	<b>Michigan</b>				
<b>Closure Date</b>	<b>August 20, 2002</b>				

KPMG Consulting has observed instances where Ameritech did not provide proper Line Loss Notifications.

### Issue

In order to verify that Ameritech properly provides Line Loss Notifications to Commercial CLECs, KPMG Consulting analyzed completed Service Order Images and archived 836 EDI Line Loss Notifications during a specified period of time. KPMG Consulting reviewed the Service Order Images and identified orders that should have generated 836 EDI Line Loss Notifications for CLECs. For those orders, KPMG Consulting expected to find archived 836 EDI Line Loss Notifications for each line the CLECs lost. In addition, KPMG Consulting expected all archived 836 Line Loss Notifications to be associated with completed Service Order Images during the analyzed time period.

KPMG Consulting has identified 47 telephone lines that should have both archived 836 EDI Line Loss Notifications as well as completed Service Order Images. Of those 47 telephone lines, 7 telephone lines should have generated 836 EDI Line Loss Notifications for CLECs, but archived 836 EDI Line Loss Notifications were not found (See Exhibit 1); another 12 telephone lines had archived 836 EDI Line Loss Notifications, but no completed Service Order Images (See Exhibit 2). While the data does not permit KPMG Consulting to determine the precise reason these 836 EDI Line Loss Notifications were sent, they are either the result of a service order that completed well before the test period or they were sent in error. The 19 lines that were missing either an 836 EDI Line Loss Notification or a completed Service Order Image result in a failure rate of 40 percent. Specific discrepancies are listed below.

**Exhibit 1: Lost Lines that should have generated a Line Loss Notification.**

Item	Service Order ID	TN	Completion Date
1	D0834261652A	2483582545	4/1/02
2	D0834291578	5177821356	4/4/02
3	D0834291578	5177829765	4/4/02
4	D0834299498	2483573866	4/3/02
5	D0834304407	5177680339	4/5/02
6	D1834016867	2483584300	4/3/02
7	D1834016867	2483584301	4/3/02

**Exhibit 2: Lost Lines without completed Service Orders.**

Item	Service Order ID	TN	Sent Date
1	C1174135544	2483570112	4/3/02
2	C1174135544	2483572424	4/3/02
3	C1174135544	2483576684	4/3/02
4	C1174135544	2483578618	4/3/02
5	C1174135544	2483578619	4/3/02
6	C1174135544	2483578620	4/3/02

*This exception report is for discussion purposes only and is subject to change without notice.*

Item	Service Order ID	TN	Sent Date
7	C1174135544	2483578621	4/3/02
8	C1174135544	2483578622	4/3/02
9	C1174135544	2483578623	4/3/02
10	C1174135544	2483578624	4/3/02
11	C1174135544	2483578625	4/3/02
12	C1174135544	2483578630	4/3/02

**Assessment**

Lost Lines that do not generate a Line Loss Notification will result in the continued billing of the customer by the CLEC. This may cause the customer to be double billed by both the original CLEC and Ameritech. Orders that wrongly generate a Line Loss Notification will result in the CLEC incorrectly discontinuing service. In both cases, CLEC customers will perceive the CLEC's service as unsatisfactory, thereby damaging the relationship between the customer and the CLEC.

**Disposition**

Since the issuance of this Exception Report, KPMG Consulting continued testing Ameritech's ability to provide Line Loss Notifications to Commercial CLECs, and evaluated this testing by applying a 95 percent accuracy performance benchmark. During TVV4 testing, KPMG Consulting has reviewed 8073 commercial CLEC service order images and found 7717 had accurate line loss notifications associated with those orders, resulting in an accuracy rate of 95.6 percent. KPMG Consulting has determined that the issue raised in this Exception Report has been addressed.

*This exception report is for discussion purposes only and is subject to change without notice.*

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Z-TEL COMMUNICATIONS, INC.	}	
	}	
Complainant	}	
	}	
vs.	}	Docket No. 02-0160
	}	
ILLINOIS BELL TELEPHONE COMPANY,	}	
d/b/a AMERITECH ILLINOIS	}	
	}	
Respondent	}	

AMERITECH ILLINOIS' REPLY  
TO THE RESPONSES OF STAFF AND Z-TEL  
COMMUNICATIONS, INC. TO AMERITECH ILLINOIS'  
MOTION FOR CONFIRMATION FILED AUGUST 12, 2002

EXHIBIT C  
KPMG EXCEPTION REPORT 138



***Ameritech OSS Test Exception Process  
Additional Information Document***

<b>Exception Report:</b> 138	<b>State Applicability:</b> Indiana
<b>Author:</b> KPMG Consulting	<b>Role:</b> Test Manager
<b>Release Date:</b> July 15, 2002	<b>Additional Information:</b> August 20, 2002

**Additional Information:**

KPMG Consulting has reviewed additional orders as part of the line loss migration retest and continued to find discrepancies. KPMG Consulting reviewed 24 line loss orders and identified 1 that was provisioned incorrectly. This discrepancy is listed below.

The Winback that did not receive a Line Loss notification within 1 hour:

<b>BTN</b>	<b>Date/Time Completed (Central Time)</b>	<b>Line Loss Notification Date/Time (Eastern Time)</b>
3174232907	8/6/02 6:50 AM	8/7/2002 7:58:25 AM



**Date:** August 22, 2002  
**To:** KPMG Consulting  
**From:** OSS Test Project Management Team  
**Subject:** **SBC Ameritech Response to Additional Information for Exception #138**

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**KPMG Additional Information Sent 8/20/2002**

KPMG Consulting has reviewed additional orders as part of the line loss migration retest and continued to find discrepancies. KPMG Consulting reviewed 24 line loss orders and identified 1 that was provisioned incorrectly. This discrepancy is listed below.

The Winback that did not receive a Line Loss notification within 1 hour:

BTN	Date/Time Completed (Central Time)	Line Loss Notification Date/Time (Eastern Time)
3174232907	8/6/02 6:50 AM	8/7/2002 7:58:25 AM

**SBC Ameritech Response to Information Sent 8/20/2002**

The actual completion date for this order was 8/7 at 6:50 AM. The completion date was incorrectly transcribed to the Winbacks reporting spreadsheet from which KPMG took its information. The date was corrected in the updated spreadsheet transmitted to KPMG on 8/19. The loss notification was received by KPMG within eight minutes of the order completion.

***Ameritech OSS Test Exception Process  
Additional Information Document***

<b>Exception Report:</b> 138	<b>State Applicability:</b> Indiana
<b>Author:</b> KPMG Consulting	<b>Role:</b> Test Manager
<b>Release Date:</b> July 15, 2002	<b>Additional Information:</b> August 22, 2002

**Additional Information:**

KPMG Consulting has reviewed SBC Ameritech's response regarding the Winback BTN 3174232907. KPMG Consulting will accept SBC Ameritech's response that the date and time sent was corrected in the updated spreadsheet transmitted to KPMG Consulting on August 19, which was prior to the publication of the August 20 Additional Information. As a result, this line is no longer considered a discrepancy. KPMG Consulting will continue testing.

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Z-TEL COMMUNICATIONS, INC.	}	
	}	
Complainant	}	
	}	
vs.	}	Docket No. 02-0160
	}	
ILLINOIS BELL TELEPHONE COMPANY,	}	
d/b/a AMERITECH ILLINOIS	}	
	}	
Respondent	}	

AMERITECH ILLINOIS' REPLY  
TO THE RESPONSES OF STAFF AND Z-TEL  
COMMUNICATIONS, INC. TO AMERITECH ILLINOIS'  
MOTION FOR CONFIRMATION FILED AUGUST 12, 2002

EXHIBIT D  
KPMG EXCEPTION REPORT 84V2

***Ameritech OSS Test Exception Process  
Additional Information Document***

<b>Exception Report:</b> 84v2	<b>State Applicability:</b> Wisconsin
<b>Author:</b> KPMG Consulting	<b>Role:</b> Test Manager
<b>Release Date:</b> July 3, 2002	<b>Additional Information:</b> August 20, 2002

**Additional Information:**

KPMG Consulting has reviewed additional orders as part of the line loss migration retest and continued to find discrepancies. KPMG Consulting reviewed 36 line loss orders and identified 1 that was provisioned incorrectly. This discrepancy is listed below.

The Winback that did not receive a Line Loss notification within 1 hour:

<b>BTN</b>	<b>Date/Time Completed (Central Time)</b>	<b>Line Loss Notification Date/Time (Eastern Time)</b>
608R717455	8/2/02 6:55 PM	8/8/2002 7:57:30 AM



**Date:** August 23, 2002

**To:** KPMG Consulting

**From:** OSS Test Project Management Team

**Subject:** SBC Ameritech Response to Additional Information for Exception #84

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**KPMG Consulting/Additional Information on 8/20/02**

KPMG Consulting has reviewed additional orders as part of the line loss migration retest and continued to find discrepancies. KPMG Consulting reviewed 36 line loss orders and identified 1 that was provisioned incorrectly. This discrepancy is listed below.

**The Winback that did not receive a Line Loss notification within 1 hour:**

BTN	Date/Time Completed (Central Time)	Line Loss Notification Date/Time (Eastern Time)
608R717455	8/2/02 6:55 PM	8/8/2002 7:57:30 AM

**Ameritech Response to Additional Information Sent 8/20/02**

The actual completion date for this order was 8/8 at 6:55 AM. The completion date was incorrectly transcribed to the Winbacks reporting spreadsheet from which KPMG took its information. The date was corrected in the updated spreadsheet transmitted to KPMG on 8/19. The loss notification was received by KPMG within three minutes of the order completion.

***Ameritech OSS Test Exception Process  
Additional Information Document***

<b>Exception Report:</b> 84v2	<b>State Applicability:</b> Wisconsin
<b>Author:</b> KPMG Consulting	<b>Role:</b> Test Manager
<b>Release Date:</b> July 15, 2002	<b>Additional Information:</b> August 26, 2002

**Additional Information:**

KPMG Consulting has reviewed SBC Ameritech's response regarding the Winback BTN 608R717455. KPMG Consulting will accept SBC Ameritech's response that the date and time sent was corrected in the updated spreadsheet transmitted to KPMG Consulting on August 19, which was prior to the publication of the additional information sent August 20. As a result, KPMG Consulting no longer considers this line a discrepancy. KPMG Consulting will continue testing.

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Z-TEL COMMUNICATIONS, INC.	}	
	}	
Complainant	}	
	}	
vs.	}	Docket No. 02-0160
	}	
ILLINOIS BELL TELEPHONE COMPANY,	}	
d/b/a AMERITECH ILLINOIS	}	
	}	
Respondent	}	

AMERITECH ILLINOIS' REPLY  
TO THE RESPONSES OF STAFF AND Z-TEL  
COMMUNICATIONS, INC. TO AMERITECH ILLINOIS'  
MOTION FOR CONFIRMATION FILED AUGUST 12, 2002

EXHIBIT E

AMERITECH RESPONSE TO Z-TEL'S JULY 23, 2002 LETTER



**EDWARD A. BUTTS, P.C.**  
ATTORNEY AT LAW  
1800 WEST HAWTHORNE LANE • SUITE 102  
WEST CHICAGO, ILLINOIS 60185

TEL: 630 562-1515  
FAX: 630 562-1516  
E MAIL: EBUTTS1000@AOL.COM

July 31, 2002

Henry T. Kelly  
O'Keefe, Ashenden, Lyons and Ward  
30 North LaSalle St. Ste. 4100  
Chicago, IL 60602

Re: Z-Tel Communications, Inc. v. Illinois Bell Telephone Company d/b/a  
Ameritech Illinois; ICC Docket No. 02-0160

Dear Hank:

I am writing in response to your July 23, 2002 letter regarding compliance with the Commission's May 8 Order. Let me state at the outset that Ameritech Illinois believes that it is fully complying with the Commission's Order. That said, I will separately address the points in your letter.

First of all, let me clarify that the July 3, 2002 Report to Staff was delivered to Staff on July 3, 2002. Ameritech Illinois sent a courtesy copy of the Report to Z-Tel. However, due to confusion over the holiday, it apparently was not mailed until July 8. Also, the Report to Staff did not purport to discuss Ameritech Illinois' compliance with all of the requirements of the Order. The Commission's Order states that the "17-day marketing delay should remain in place until such time as Ameritech's Winback marketing department relies solely on the 836 LLN and the defects in the 836 LLN system have been cured." Order p. 24. In order to end the 17-day marketing delay, Ameritech Illinois was required to file a report with Staff "verifying that in fact the 836 LLNs are being provided in a timely and accurate manner. Order, p. 25. Consequently, Ameritech Illinois' Report to Staff dealt primarily with these issues, which are the only issues that Staff was directed to review.

**Customer Notice**

With respect to the Customer Notice requirement, Rhonda Johnson, Vice President, Illinois Regulatory emailed proposed language for the notice to Nancy Weber of Commission Staff on July 12, and this email was also sent to you. As you know, under the Commission's Order, Staff must approve the notice. To date, we have not received approval from Staff.

With respect to the list of Ameritech customers to whom the notice should be sent, the Order provides that the notice should be targeted to "potentially affected customers." The remedy is granted "primarily on a going forward basis, unless previous customer information is available, and [will] end at such time as the line loss notification issue is resolved." The Order further provides that "Z-Tel shall provide customer mailing information to Ameritech in situations where Ameritech does not have the appropriate customer" [information]. Order, pp. 20-21.

Ameritech retail does not know the identity of the losing CLEC in winback situations, nor does Ameritech wholesale track this information. Ameritech Illinois does not have a list of customers who have been won back from Z-Tel who potentially may have been double billed by Z-Tel as a result of a missing, late or inaccurate LLN. On the other hand, Z-Tel's witnesses testified that Z-Tel opens trouble tickets on all customers who contact Z-Tel about double billing of their accounts. We request that Z-Tel provide Ameritech Illinois with a list of its former Illinois customers who have complained about double billing, where the cause was determined to be a missing, late or inaccurate LLN. The list should include the customer's name, address and telephone number or circuit ID as shown on Z-Tel's records. Ameritech Illinois will use this list to determine which of the customers are current Ameritech Illinois customers and will send the notification to those customers. Please let me know if this procedure is acceptable to Z-Tel.

On a going forward basis, there should be no need for the notice since the LLN problems have been corrected. In addition, Z-Tel now may use the Lines in Service report to verify its active customer list on a monthly basis. This should eliminate any concern about double billing in the future even if an occasional LLN error did occur. Of course, to the extent Z-Tel receives future complaints related to double billing due to line loss errors that occurred for periods prior to June 2002, information on these customers should be forwarded to Ameritech Illinois, and the customer notice will be sent.

### **Errors in the 836 LLN Process**

As of June 3, 2002, all known issues with the 836 LLN process have been resolved or controlled. You note that the data provided to Staff indicates that Ameritech experienced a 2.6% error rate in LLNs delivered in the study period, but you fail to acknowledge that most of these errors were corrected by Ameritech, as indicated on the study sheet, so that the realized error rate was much smaller. You state that this percentage does not count the LLNs that contained inaccurate information. Ameritech Illinois is not aware that any of the LLNs contained inaccurate information. If you have information that inaccurate information was provided, please forward it to me immediately so that Ameritech can investigate. You also state that the percentage error rate does not count

LLNs that were not sent. To the contrary, Ameritech reviewed all Z-Tel, WorldCom and Talk.com orders during the study period to ensure that LLNs were sent in every instance where they should have been sent. Those errors are identified and included in the error total. Finally, you state that in June 2002, Z-Tel continued to receive a high number of LLNs more than 6 days after a customer left Z-Tel's network. You do not quantify what you mean by a "high number," and I assume you are including the LLNs that Ameritech Illinois reflowed on June 4-5 for periods prior to June 3, when the last system issues were resolved. These reflowed LLNs for periods prior to June 3 are not indicative of Ameritech Illinois' performance since June 3.

You suggest that Ameritech Illinois should put in place a system that would permit Z-Tel to monitor Ameritech Illinois' efforts to fix the LLN process. First, as indicated in Ameritech Illinois' Report to Staff, the LLN process has been fixed. Second, there is no requirement in the Commission Order that permits or requires that Z-Tel monitor Ameritech Illinois' efforts to fix the LLN process. Let me add, however, that as you know, Ameritech now offers a monthly Lines in Service report. The availability of this report was communicated in Accessible Letter CLECAM02-256 issued June 17, 2002, and Z-Tel has requested to receive this report each month. The report separately lists all Z-Tel resale and UNE-P lines in service with Ameritech Illinois as of the last billing date of the month. By comparing this list with its own records as of the same date, Z-Tel can identify any discrepancies. By investigating these discrepancies, Z-Tel will be able to determine if they resulted from missing, untimely or inaccurate LLNs. Furthermore, performance benchmarks have been established to monitor the LLN process. Proposed changes to the performance measures are discussed below.

### **Delivery of the 836 LLN to Ameritech's Retail Operations**

You request that Ameritech Illinois provide confirmation that Ameritech retail is using the 836 LLN and is receiving it at parity with Z-Tel. Ameritech Illinois has already provided confirmation of these facts to Staff, and you were provided a courtesy copy of the Report to Staff. Ameritech retail now exclusively receives its line loss notifications under the exact same 836 LLN process as is used for Z-Tel and other CLECs.

### **Reconciliation of UNE charges**

In its testimony and briefs, Ameritech Illinois indicated its willingness to cooperate with Z-Tel in reconciling any errors in Ameritech's billing to Z-Tel for wholesale services. Ameritech proposed a formula to Z-Tel for calculating a billing adjustment on July 1, 2002, and has been analyzing its billing to Z-Tel in the context of that formula. Ameritech expects to contact Z-Tel through the Account

Team within the next several days to discuss a proposed reconciliation amount. Ameritech is hopeful of reaching agreement with Z-Tel. Of course, if agreement cannot be reached, the Commission's Order directs Z-Tel to pursue the dispute resolution procedures set forth in Article XXIII of the parties' Interconnection Agreement.

### **MI 13 Performance Measure**

The Commission's May 8 Order stated that performance measure MI 13 needed to be redesigned to address two issues discussed by Staff: (1) the failure to account for LLNs that are not sent at all and (2) measuring timeliness from completion of the work rather than from the service order completion notice.

MI 13 is a five-state performance measure applicable to all CLECs. Therefore, SBC Ameritech proposed revisions to MI 13 to address Staff's concerns in the six-month review collaborative process that began in March 2002. These proposed revisions were discussed by the participants in the collaborative process, including commission staffs and CLECs. Z-Tel did not participate in the collaborative process until July 16, and then only through an attorney. Ameritech Illinois believes that its proposed revisions to MI 13 fully address Staff's concerns and comply with the Commission's May 8 Order. To the extent Z-Tel believes these revisions are inadequate, the collaborative process is the correct forum for presentation of Z-Tel's views.

### **Delivery to Z-Tel of copies of the ASON records in the same format that Ameritech delivers copies of ASON records to the Ameritech Service Order Interface**

You contend that the Commission's May 8 Order requires Ameritech Illinois "to deliver to Z-Tel copies of the ASON records in the same format that Ameritech delivers copies of ASON records to the Ameritech Service Order Interface." You fail to cite to any language in the Order that imposes such an obligation, and, of course, there is none. You made this request in your briefs in the Commission proceeding (although it was not mentioned in your complaint or testimony), and the Commission rejected it. You do not cite any legal requirement for the provision of this information, nor do you provide any factual basis for the request or any explanation of why you believe that provision of this information would be helpful or what you would do with it if you received it.

The Commission's Order stated that Z-Tel should have the option to receive "more detailed OSS information about disconnected customers, containing the same data fields as are currently sent to Ameritech's retail and Winback business units." Order at 19. The Order required Ameritech Illinois to make this option available to Z-Tel by July 1, 2002. In fact, Ameritech Illinois made the option to

receive this information available to Z-Tel on June 17, 2002, by Accessible Letter CLECAM02-257, announcing the availability of a "Local Loss Report" identical to the report previously received by Ameritech retail. Ameritech Illinois is in full compliance with the Commission's Order even though the Commission has granted rehearing on whether Ameritech Illinois should be required to continue provision of the Local Loss Report.

You end your letter by requesting that we set up a meeting to address these issues. As stated above, Ameritech Illinois believes it is fully complying with the Commission's Order. However, if you wish to discuss any of these matters further, Ameritech Illinois would be happy to meet with you. Please call me at your convenience to discuss the timing, agenda and participants for such a meeting.

Yours truly,

A handwritten signature in cursive script, appearing to read "Edward A. Butts", with a stylized flourish at the end.

Edward Butts

cc Carmen Fosco  
Margaret Kelly

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

Z-TEL COMMUNICATIONS, INC.	}	
	}	
Complainant	}	
	}	
vs.	}	Docket No. 02-0160
	}	
ILLINOIS BELL TELEPHONE COMPANY,	}	
d/b/a AMERITECH ILLINOIS	}	
	}	
Respondent	}	

AMERITECH ILLINOIS' REPLY  
TO THE RESPONSES OF STAFF AND Z-TEL  
COMMUNICATIONS, INC. TO AMERITECH ILLINOIS'  
MOTION FOR CONFIRMATION FILED AUGUST 12, 2002

EXHIBIT F  
LLN PROCESS FLOW DESCRIPTION

## EDI 836 Line Loss Notification Flow Description

### **Request:**

Describe with particularity the process by which Ameritech identifies for its retail operations, including winback and for Z-Tel when an Ameritech retail or Z-Tel customer switches to alternative local exchange carrier, including the identification of all information that is provided, as well as when that information is provided.

### **Response:**

The 836 LLN process is used to provide line loss notifications to Ameritech retail, Z-Tel and all other CLECs. Ameritech has been set up to look like any other CLEC in the 836 LLN process and receives its LLNs in the same manner using the same systems and in the same time frame as any other CLEC using the same LSOR version. The systems used to generate 836 LLNs vary depending upon the LSOR version that the winning carrier and the losing carrier have chosen to use. Ameritech retail has chosen to be set up to use LSOR 5. Z-Tel has chosen to be set up to use LSOR 4.

The service orders to migrate a customer from Ameritech retail or Z-Tel to another local exchange provider are initiated in the ASON system. When all the applicable service orders are marked as completed in ASON, the order information is passed to the Local Access Service Request system (LASR) and/or the Mechanized Order Receipt system (MOR) (see table below for specifics). The trigger for the creation of an EDI 836 LLN transaction is identical regardless of what LSOR version the winning and losing carrier are using and is based on the following criteria:

1. Complete Migrations
  - All applicable service orders in “completion status”
  - The submitting carrier ACNA (winning CLEC) is different than the current owner ACNA of the account (losing CLEC)
2. Partial Migrations
  - All applicable service orders in “completion status”
  - The submitting carrier ACNA (winning CLEC) is different than the current owner ACNA of the account (losing CLEC)

The EDI 836 LLN transaction contains the following data elements:

Field Name	Description	Additional Comments
<b>LSOR 5 Format</b>		
CVD	Conversion Date	8 numeric characters - Detail
Date Sent	Transaction Date Sent	8 numeric characters – Header
ECCKT	Exchange Company Circuit Number ID	41 alpha/numeric characters - Detail

Transaction Set Purpose	Transaction Set Purpose	2 numeric characters – Header (defaulted – always ‘47’)
WTN	Working Telephone Number Lost	10 numeric characters - Detail
<b>LSOR 4 Format</b>		
Contract Status	Contract Status	2 alpha characters – Header (defaulted – always ‘TR’)
CVD	Conversion Date	8 numeric characters - Detail
Date Sent	Transaction Date Sent	8 numeric characters – Header
ECCKT	Exchange Company Circuit Number Lost	41 alpha/numeric characters - Detail
Transaction Set Purpose	Transaction Set Purpose	2 numeric characters – Header (defaulted – always ‘47’)
WTN	Working Telephone Number Lost	10 numeric characters - Detail

The table below details the subsequent flow of LASR and/or MOR to the VAN (Value Added Network provider) depending on the version the “winning” CLEC and “losing” CLEC are on. The processing time for a LLN from the triggering event (“completion status”) until delivery of the LLN to the VAN varies by no more than a few minutes, depending upon what combination of LSOR versions the winning and losing carrier are on.

	<b>LSR submitted by Winning CLEC via LSOR4</b>	<b>LSR submitted by Winning CLEC via LSOR5</b>
<b>Losing CLEC receives 836 in LSOR4 (e.g., ZTEL)</b>	MOR creates the 836 in LSOR4 format, MOR passes the 836 to the SBC translator, SBC translator sends the 836 to the appropriate VAN	LASR creates the 836 in LSOR4 format, LASR passes the 836 to the SBC translator, SBC translator sends the 836 to the appropriate VAN
<b>Losing CLEC receives 836 in LSOR5 (e.g., AIT)</b>	MOR passes information to LASR, LASR creates the 836 in LSOR5 format, LASR passes the 836 to SBC translator, SBC translator sends the 836 to the appropriate VAN	LASR creates the 836 in LSOR5 format, LASR passes the 836 to the SBC translator, SBC translator sends the 836 to the appropriate VAN